

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 09-20536-19-BC  
Honorable Thomas L. Ludington

ANDREW CARDENAS,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING  
DEFENDANT'S PLEA OF GUILTY AS TO COUNT 2 OF THE SECOND  
SUPERSEDING INDICTMENT, AND TAKING THE RULE 11 PLEA AGREEMENT  
UNDER ADVISEMENT**

A plea hearing was conducted on July 20, 2011 by United States Magistrate Judge Charles E. Binder pursuant to the Defendant's consent. Judge Binder issued his report on July 21, 2011, recommending acceptance of Defendant's guilty plea. Either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation [Dkt # 410] is **ADOPTED**.

It is further **ORDERED** that the defendant's guilty plea as to count 2 of the second superseding indictment is **ACCEPTED**, and the Rule 11 Plea Agreement [Dkt. # 409] is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: August 11, 2011

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 11, 2011.

s/Tracy A. Jacobs  
TRACY A. JACOBS